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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

In re:

BINGTUAN YIN and  
XIANGLING KONG,  
Debtors.

Case No. 21-10653-KHK

Chapter 7

TRINA BENGTSSON,  
Plaintiff-Creditor

Adv. Proc. No. 21-01043-KHK

v.

BINGTUAN YIN and  
XIANGLING KONG,  
Defendants.

**PLAINTIFF'S OBJECTION TO MOTION TO WITHDRAW AS COUNSEL**

Plaintiff-Creditor Trina Bengtsson ("Plaintiff") by counsel, hereby objects to the Motion to Withdraw as Counsel filed by Boleman Law Firm, PC ("Boleman") as counsel for Defendants in the above-captioned adversary proceeding:

**OBJECTION**

1. Plaintiff does not object, in theory, to the withdrawal of Boleman as counsel for the Defendants in this matter. Boleman deserves to be paid the fee it arranged with Defendants for legal services.

2. If the Motion to Withdraw as Counsel is granted, Plaintiff objects to a continuance, if requested, of the final Pre-Trial Conference currently scheduled for December 7, 2021, the same day the Motion to Withdraw is to be heard, or any delay to a final adjudication of the dischargeability issues set forth in the Complaint. Plaintiff filed the Complaint just shy of five (5) months ago, on July 9, 2021. The Initial Scheduling Order, also entered July 9, 2021, set the final Pre-Trial conference date.

3. Plaintiff retained Boleman on or before August 5, 2021, when Plaintiff, by counsel, filed their Motion to Extend Time to File Answer or Responsive Pleading to Complaint. *See Adv. Proc. Docket No. 7.* The Motion to Extend was granted and therefore the Defendants have already received the benefit of an extension of this Court's deadlines.

4. Local Bankruptcy Rule 7016-1(D) provides that Defendants are "bound by the dates specified in [the scheduling order] and no extensions or continuances thereof shall be granted in the absence of showing of good cause." The Defendants' failure to honor their engagement letter and pay Boleman does not constitute good cause for any extensions or continuances of the Pre-Trial Conference or dates to be set.

5. Additionally, Defendants' failure to pay their counsel is consistent with their long history of delay and bad faith in litigation with the Plaintiff. As set forth in the Complaint instituting this Adversary Proceeding, The Plaintiff obtained an initial judgment for pregnancy, gender and childbirth discrimination, retaliation and wrongful termination in August 2018 from the Superior Court of Washington for King County (the "Washington Court"). *See Complaint, Exhibit D.*

6. In November 2018, the Washington Court entered a supplemental judgment in favor of Plaintiff against Defendants awarding Attorney Fees, Costs, and Offset for Adverse Tax

Consequences in Interest; in awarding the supplemental judgment, the Washington Court detailed, *inter alia*, the Defendants' oft-changing defenses and positions (including asserting a meritless "unclean hands" defense in accusing Plaintiff of embezzlement, despite no evidence or actual belief that such embezzlement occurred) and repeated failures to follow the civil rules during litigation. *See* Complaint, Exhibit E.

7. In February 2021, the Washington Court entered a second supplemental judgment in favor of Plaintiff for fees and costs associated with Defendants' meritless appeal. *See* Complaint, Exhibit G.

8. Further, the Plaintiff's efforts to collect her judgment in Fairfax County Circuit Court ("Fairfax Court") were so stymied by Defendants that the Fairfax Court sanctioned the Defendants and issued a Capias for the arrest of the Defendants for contempt of court. *See* Complaint, Exhibit I.

9. Plaintiff asserts vehemently that the Defendants' convenient failure to respond to, or pay their attorneys, just before the final Pre-Trial Conference, as asserted in the Motion to Withdraw, are another attempt by the Defendants to hinder the Plaintiff and delay this proceeding further. The Defendants hope that lack of counsel will cause this Court to continue the matter for their benefit. Since the Plaintiff's initial discrimination complaint was brought in Washington Court, the Defendants have had at least six different counsel appear in various courts on their behalf.

10. Plaintiff's counsel has already conferred with Boleman on trial proceedings and stipulation of exhibits, and has already prepared filings to the Court to be submitted as required by the Initial Scheduling Order. Boleman's withdrawal will likely necessitate a duplication of efforts on behalf of Plaintiff should new counsel be engaged and even more so if the Pre-Trial

Conference is continued to another date. Each day that the Plaintiff collects nothing on her judgment after years of litigation and legal expense is prejudicial; Boleman's withdrawal as counsel should not result in additional severe prejudice to the Plaintiff.

11. As there is nothing in this Court's rules that prevents the individual Defendants from proceeding *pro se* in the Adversary Proceeding, the Plaintiff respectfully requests that should Court grants Boleman's Motion to Withdraw, that Defendants be required to proceed with the final Pre-Trial Conference on December 7, 2021 and set a trial date or another deadline by which to adjudicate the claim brought in the Plaintiff's Complaint.

WHEREFORE, the Plaintiff respectfully requests that the Court deny the Motion to Withdraw, or grant the Motion to Withdraw with no delay or prejudice to the Plaintiff including the completion of the Final Pre-Trial Conference on December 7, 2021, and grant other and further relief as is just and appropriate.

Dated: December 3, 2021

Respectfully Submitted,

BEAN, KINNEY & KORMAN, P.C.

/s/ Andrea Campbell Davison  
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*Counsel for Trina Bengtsson*

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2021, the foregoing Response was served via the Court's CM/ECF system on all parties entitled to receive notice in this Adversary Proceeding.

/s/ Andrea Campbell Davison  
Andrea Campbell Davison